Docket No.: 118156-00602
(ENB-006RCE2)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Brian Stanley Locke *et al.*

Application No.: 10/717,838

Filed: November 20, 2003

For: METHOD AND APPARATUS FOR
NAVIGATING THROUGH A TASK ON A
COMPUTER

Confirmation No.: 8559

Art Unit: 2179

Examiner: E. A. Wiener

Mail Stop Amendment
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.131

I, Ann C. Bonis, declare that:

1. I am empowered to act on behalf of the assignee, namely Enterasys Networks, Inc., a corporation of Delaware, which I believe to be assignee of the entire right, title and interest in the present U.S. Patent Application No. 10/717,838 (the "Application") at least by virtue of the assignment recorded at Reel 015388, Frame 0477, and I am authorized to present this Declaration Under 37 C.F.R. § 1.131 (the "Declaration").

2. I am familiar with the Application and the Response to Non-Final Office Action Mailed June 23, 2009, to which this Declaration is being made a part.

3. Upon information and belief, the claimed subject-matter of the Application was conceived, reduced to practice and operated for it intended purpose *prior to April 24, 2002.* More specifically, upon information and belief, Enterasys Networks, Inc. had sold and was commercializing software embodying the claimed invention *prior to April 24, 2002.*

4. Attached hereto as Exhibit A is an Invention Disclosure Form, including the following: two (2) pages from a Concurrent Versions System (CVS) source code log; nine (9) screen shots; and a four (4) page narrative body. Upon information and belief, the Invention Disclosure Form was executed by all seven (7) co-inventors and a manager in July 2002 and the screen shots were

printed contemporaneously therewith. The body of the Invention Disclosure Form asks for the first date of sale and other information at questions 7(a), 7(b), 7(c), 7(e), and 7(f), and, each of these dates, which have been redacted, is *prior to April 24, 2002*. Also, the CVS Log includes six redacted dates corresponding to Revisions 1.1, 1.2, 1.3, 1.4, 1.5, and 1.6, all of which are *prior to April 24, 2002.*

5.   Upon information and belief, CVS is used by Enterasys Networks, Inc. for the purpose of logging a "master" copy of source code and maintaining the most current version thereof. Upon information and belief, accurate electronic date-time stamping is of the essence, and CVS is of particular use when multiple persons are working together on multiple instances of the source code around the same time.

6.   Upon information and belief, at least one of the source code versions 1.1 - 1.6 that was "checked into" the CVS log *prior to April 24, 2002*, embodied the subject-matter of at least independent Claims 1, 11, 21, and 22.

7.   Exemplary reference is made to the "screen shots" of the Invention Disclosure Form. Upon information and belief, the nine (9) screen shots of the Invention Disclosure Form formed the basis of Figures 2 and 4-11 of the present application, as such can be seen from a side-by-side study of each one of nine screen shots of the Invention Disclosure Form to Figures 4-6, 2, and 7-11 (respectively) of the present application.

8.   Additional exemplary reference is made to the "body" of the Invention Disclosure Form. For example, Paragraph 3 discusses the ability of the invention *to use the wizard in a non-linear manner and the ability to program a tree structure into a wizard*. Paragraph 5 highlights how the invention was thought to be different from the then-current-state-of-the-art, noting that the task-lists of the prior art did not change programmatically or provide summary information. Moreover, Paragraph 4 discusses how the invention can be uses non-linearly, while providing summary information, such that the user need not back through the wizard panels. As therein noted, tasks in a task path can be skipped if default values are available and recommended.

9.   I declare further that statements made in this Declaration are of my own knowledge and are true that all statements made on information and belief are believed to be true and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _December 22, 2009_   _Ann C. Bonis_
                                                     Ann C. Bonis, Vice President & Secretary

Powered by APACHE

CVS log for
aclmgr/com/enterasys/netsight/aclmgr/app/popup

← Up to [root] / aclmgr / com / enterasys / netsight / aclmgr / app / popupviews / packettool

Request diff between arbitrary revisions

Default branch: 1

Revision **1.6** / (**download**) - annotate - [select for diffs] , *Wed Apr 3 19:23:55 2002 UTC* (3 months, 2 weeks ago) by *playdon*
CVS Tags: **HEAD**
Changes since 1.5: +35 -175 lines
Diff to previous 1.5

```
This modifies the PacketTool to use the NSWizard and fixes namqa000145
```

Revision **1.5** / (**download**) - annotate - [select for diffs] , *Wed Jan 9 20:53:24 2002 UTC* (6 months, 1 week ago) by *kwhite*
CVS Tags: **release-1-1-rev-0, release-1-1-0-11, release-1-1, release-1-0-rev-3**
Changes since 1.4: +19 -1 lines
Diff to previous 1.4

```
add help functionality with proper help ids for respective stages
```

Revision **1.4** / (**download**) - annotate - [select for diffs] , *Fri Dec 7 16:05:33 2001 UTC* (7 months, 2 weeks ago) by *playdon*
CVS Tags: **beta_2**
Changes since 1.3: +2 -2 lines
Diff to previous 1.3

```
Modify Title of view.
```

Revision **1.3** / (**download**) - annotate - [select for diffs] , *Thu Dec 6 12:58:30 2001 UTC* (7 months, 2 weeks ago) by *playdon*
Changes since 1.2: +1 -1 lines
Diff to previous 1.2

```
The create packet panel needed to initialize the data for the current packet
each time it was selected.
```

Revision **1.2** / (**download**) - annotate - [select for diffs] , *Wed Dec 5 14:38:23 2001 UTC* (7 months, 2

weeks ago) by *playdon*
Changes since 1.1: +0 -4 lines
Diff to previous 1.1

```
Fixed minor problems with view initializing correctly when launched from an
ACL or device
```

Revision **1.1** / (**download**) - annotate - [select for diffs] , *Wed Dec 5 13:59:14 2001 UTC* (7 months, 2
weeks ago) by *playdon*
Diff

```
Adding initial packettool files
```

This form allows you to request diff's between any two revisions of a file. You may select a symbolic
revision name using the selection box or you may type in a numeric name using the type-in text box.

Diffs between | Use Text Field ▾ | 1.1 | and | Use Text Field ▾ | 1.6 |
Type of Diff should be a | Colored Diff ▾ | Get Diffs |

View only Branch: | Show all branches ▾ | View Branch |

Sort log by: | Commit date ▾ | Sort |

CVSweb by <zeller@think.de>
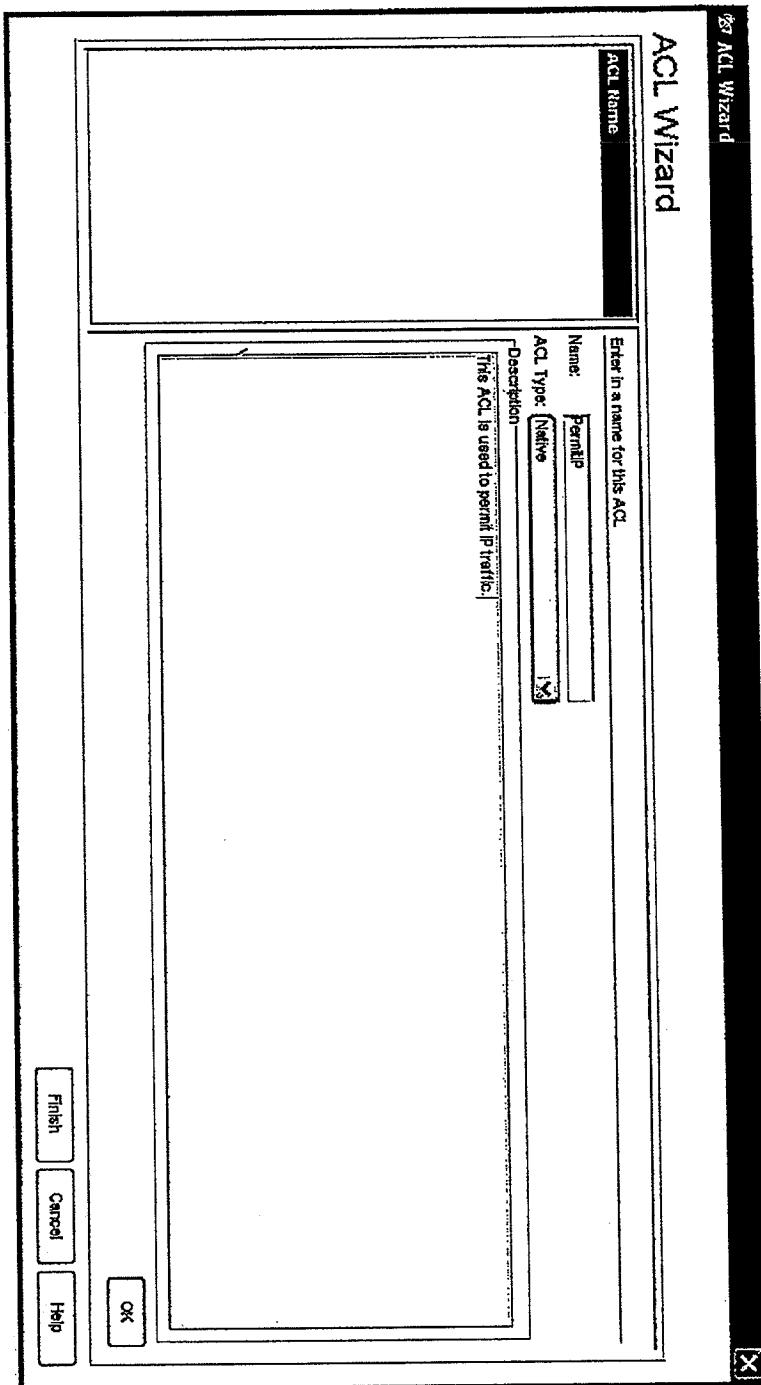
ACL Wizard

ACL Name
Name: PermitIP
Type: Native

Rule List
Number of Rules: 0

Below are the rules for the current ACL.

New Edit Auto Rename

Index	Name	Type	Source Address	Destination Address	Src Port	Dest Port	TOS

Finish Cancel Help

ACL Wizard

ACL Name
Name: PermIP
Type: Native

Rule List
Number of Rules: 0
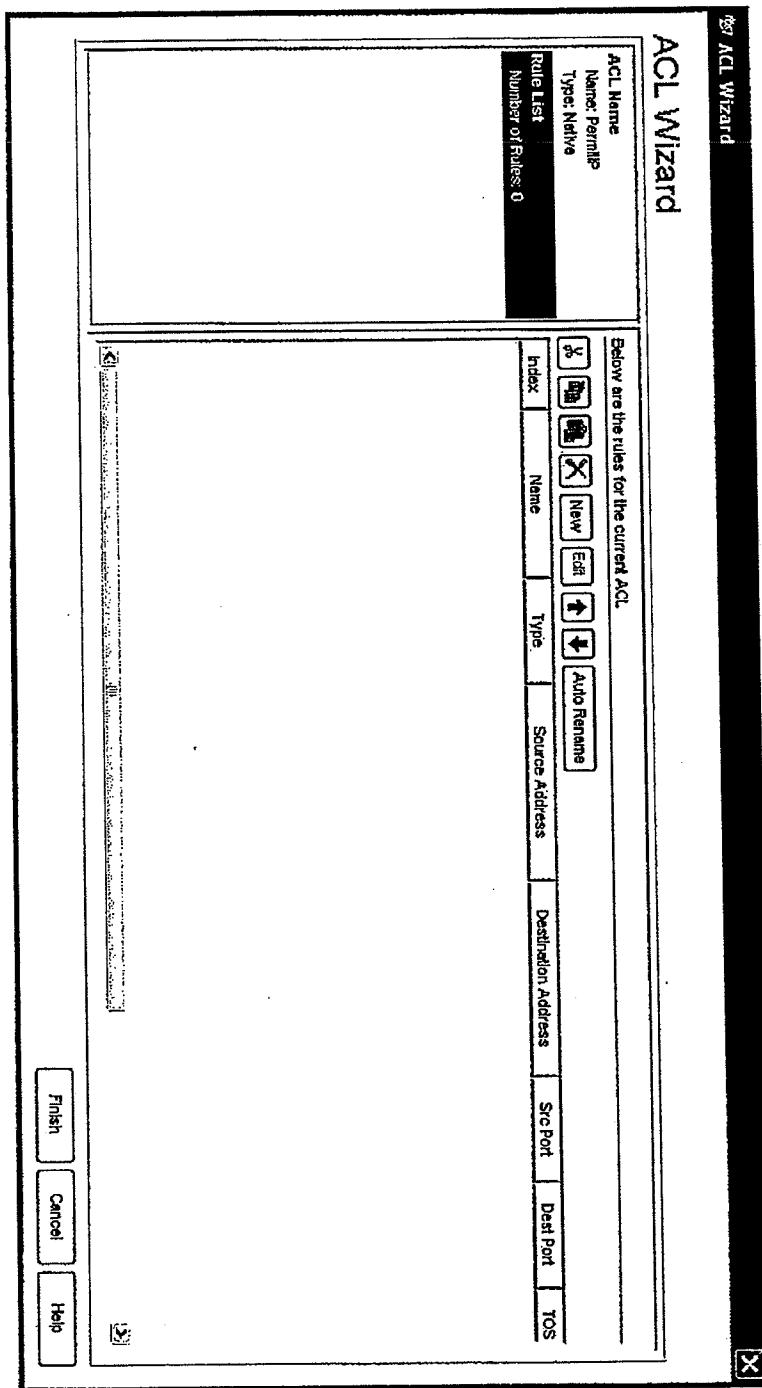
Rule Info
Name: Rule1
Action: Permit
Type: IP
Logging: No

Type in a name for this ACL rule, select whether it will permit or deny traffic, and select the type of ACL rule to create.

Name: Deny 10.20.30.40

Action: Deny

Type: IP

☑ Enable Logging

Description
Deny's traffic from 10.20.30.40

Finish   Cancel   Help

OK

ACL Wizard

ACL Name
Name: PermitIP
Type: Native

Rule List
Number of Rules: 1

Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes

IP Addresses
Source: 10.20.30.40
Dest: any

TCP/UDP Ports
Source Port: Any
Dest Port: Any

Type Of Service
TOS: None

Specify the source and destination addresses and filtering mask for this flow. If 'Any' is selected, it will imply a wildcard ("don't care") condition.

Source Address
○ Any
◉ Value: 10.20.30.40 /

Destination Address
◉ Any
○ Value: /

Finish   Cancel   Help

OK

ACL Wizard

ACL Wizard

ACL Name
Name: PermitIP
Type: Native

Rule List
Number of Rules: 1

Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes

IP Addresses
Source: 10.20.30.40
Dest: any

TCP/UDP Ports
Source Port: Any
Dest Port: Any

Type Of Service
TOS: None

Select or enter the source and destination TCP/UDP port(s).

TCP/UDP Port(s)

Source: Any (25) SMTP Other Other

Destination: Any 25 Other Other

Swap Source/Dest Ports

Finish   Cancel   Help

OK

ACL Wizard

ACL Name
Name: PermitIP
Type: Native

Rule List
Number of Rules: 1

Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes

IP Addresses
Source: 10.20.30.40
Dest: any

TCP/UDP Ports
Source Port: Any
Dest Port: Any

Type Of Service
TOS: None

Specify an IP TOS (Type of Service) value from 0-255 and an IP TOS mask value from 1-255. If 'Any' is selected, it will imply a wildcard ("don't care") condition.

TOS
○ None
◉ Value: [9]

TOS Mask
○ Any
◉ Value: [30]

Finish   Cancel   OK   Help

ACL Wizard

ACL Name
Name: PermIP
Type: Native

Rule List
Number of Rules: 1

Rule Info
Name: Deny 10.20.30.40
Action: Deny
Type: IP
Logging: Yes

IP Addresses
Source: 10.20.30.40
Dest: any

TCP/UDP Ports
Source Port: (2049) NFS
Dest Port Any

Type Of Service
TOS: 3
TOS Mask: 30

Below are the rules for the current ACL

New | Edit | Auto Rename

Index	Name	Type	Source Address	Destination Address	Src Port	Dest Port	TOS
1	Deny 10.20.30.40	IP	10.20.30.40	any	NFS	any	3

Finish | Cancel | Help

ORIGINAL

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INVENTION DISCLOSURE FORM

The purpose of this form is to assist inventor(s) in the preparation of an invention disclosure. The object is to minimize the amount of time that the inventor(s) must spend in processing a patent application without minimizing the importance and scope of the invention. The questions are designed to elicit enough information about the invention (e.g., the perceived novel features, what problem(s) it solves, why it is better or different from known existing technology, etc.) to assist the Intellectual Property Review Council (IPRC) make an informed decision about protection of the described invention.

If you have any questions regarding this form or the patent application process, please contact the Patent Counsel, Chris A. Caseiro, at (603) 337-1754 or ccaseiro@enterasys.com.

The following information is submitted to the IPRC as the basis for a preliminary patentability investigation and, should the IPRC approve the disclosure for protection, it will be used by our outside patent lawyers in preparation of a patent application for filing in the United States Patent Office and, in some instances, in other countries:

1. Title of Invention: Non-linear Summary Wizard Graphical User Interface (NSWizard GUI)

2. Provide a summary of the invention: The NSWizard is a graphical user interface, or GUI, that can be used to guide software users through a complex series of tasks. The GUI has three components, a selectable task list, a panel display, and control buttons. The task list displays the tasks that the user has already performed, and the next task that must be performed. Each task in the list has a panel associated with it. Each panel is used to explain the task and to receive input from the user. When a task has been completed, a summary of the choices that were made in the panel is added to the task list item for the panel. Then the next task panel is displayed in the panel display. The task list is not only descriptive, but active in the sense that any task item can be selected. When a task item is selected in the list, its panel is shown in the panel display. The control buttons are used to control the view, typically these buttons include "Finish," "Cancel," and "Help."

3. Describe what you believe to be the point of novelty of the invention: The point of novelty of the invention is the combination of four features into a single wizard GUI: the selectable task list; the summary information in the task list; the ability to use the wizard in a non-linear manner; and the ability to program a tree structure into a wizard.

4. Describe the problem(s) solved by the invention: The selectable task list allows the NSWizard to be used in a random-access, or non-linear, manner, allowing users to change settings in the NSWizard more rapidly than can be done in a traditional wizard. In addition, the task list provides a summary for users as they progress through the wizard; consequently, they do not have to back through the wizard panels to see the choices that they have made. Tasks in a task path can be skipped if default values are available and recommended, speeding navigation through the wizard.

Invention Title _____
File No. _____
Date _____

However, the users can see that the task has been skipped; see the default recommended changes; and easily make changes via the selectable task list.

5. To the best of your present knowledge, describe the current state of the art and how your invention is different. This does not require you to conduct an independent review or search of the field of your invention. Instead, please rely on your present knowledge: Wizards are ubiquitous in software. In its most basic form, a wizard consists of a panel display and control buttons. These basic wizards guide users through tasks in a linear manner. Some linear wizards have task lists, but they are not active and do not provide summary information. More advance wizards have active task lists, in the form of hyperlinks that allow non-linear navigation; however, the task-lists do not change programmatically, and do not provide summary information.

6. Attach to this Disclosure any relevant notes, sketches, drawings, schematics, photographs, test results, test reports, presentations that describe the invention: Attached are nine screen shots demonstrating the features and use of an NSWizard.

7. Identify whether the invention has been:
   (a) Incorporated in any tests or experiments? Yes
       If Yes, approximate date of first incorporation: 12/5/2001
   (b) Offered for sale? Yes
       If Yes, date of first offer for sale: 3/6/2002
   (c) Sold? Yes
       If Yes, date of first sale: 3/6/2002
   (d) Described in printed publication? No
   (e) Used other than at an Enterasys facility? Yes
       If Yes, where first used externally: University of Paris 10
       If used externally, date and purpose of such first external use: 12/14/2001 for Beta Test
   (f) Was the invention developed in whole or in part under a government contract? No

8. Is this invention embodied in a product presently being made? Yes
       If Yes, date of first fabrication: 12/5/2001

9. Will a product embodying this invention be made, sold, or offered for sale in the future? Yes
       If Yes, approximate dates of planned first fabrication, first offer for sale, and first sale:
       12/5/2001, 3/6/2002, 3/6/2002

10. Was the invention conceived of or developed as part of a joint project with another person or persons not employed by Enterasys? No

11. Was the invention disclosed to anyone else not employed by Enterasys? Yes
       If Yes, identify party to whom the invention was disclosed: University of Paris 10
       If Yes, was the disclosure made under a Non-Disclosure Agreement (NDA)? Yes
       If No NDA, identify the date(s) and location(s) of the disclosure:

12. Please identify any prior public documents or products of which you are aware that may be relevant to the novelty of your invention. (Please note that you are not required to seek such information, simply describe the information of which you are aware.): Turbo Tax, Quicken, H&R Block tax

software, wizards created by Install Anywhere, wizards in the NetSight Software, Sun OS Install wizard, Microsoft Install wizard.

13. Date you first thought of the invention: 11/19/2001

14. Do you have any documentation establishing when you first thought of the invention? The source code for the prototype was first put into source control on 12/5/2002. See the attached print out from the source control.

<u>First Named Inventor:</u>
Full Name of Inventor: Brian Stanley Locke
Citizenship: U.S.
Residence Address: 46 Sheep Road, Lee, NH 03824
Post Office Address (if different from above):
Telephone extension and Building: 7-3747 35E
Manager's name: Paula Dunigan
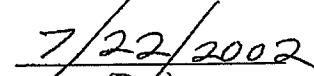
_____   7/22/2002
(Signature)   (Date)

<u>Second Named Inventor:</u>
Full Name of Inventor: Ronald S. Fitzpatrick Jr.
Citizenship: US
Residence Address: 33 Rand Road, Center Barnstead, NH 03225
Post Office Address (if different from above):
Telephone extension and Building: 7-2522 35E
Manager's name: Paula Dunigan
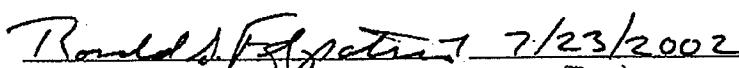
_____   7/23/2002
(Signature)   (Date)

<u>Third Named Inventor:</u>
Full Name of Inventor: Paul Playdon
Citizenship: U.S.
Residence Address: 825 Tri-City Road, Somersworth, NH 03878
Post Office Address (if different from above):
Telephone extension and Building: 7-3749 35E
Manager's name: Paula Dunigan
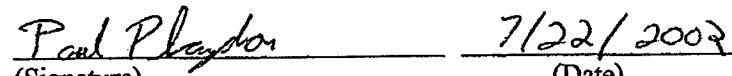
_____   7/22/2002
(Signature)   (Date)

Invention Title _____
File No. _____
Date _____

Fourth Named Inventor:
Full Name of Inventor: David Alexander Brousseau
Citizenship: U.S.
Residence Address: 5 Mohawk Circle, Georgetown, MA 01833
Post Office Address (if different from above):
Telephone extension and Building: 7-3738 35E
Manager's name: Paula Dunigan

_David Brousse_____ _7/22/2002_____
(Signature)   (Date)

Fifth Named Inventor:
Full Name of Inventor: Kevin Allen White
Citizenship: U.S.
Residence Address: 715 Sherwood Glen, Somersworth, NH 03878
Post Office Address (if different from above):
Telephone extension and Building: 7-3752 35E
Manager's name: Paula Dunigan

_Kevin A White_____ _7/22/2002_____
(Signature)   (Date)

Sixth Named Inventor:
Full Name of Inventor: Kiet H. Tran
Citizenship: U.S.
Residence Address: 5 Adams Court, Somersworth, NH 03878
Post Office Address (if different from above):
Telephone extension and Building: 7-0335 35E
Manager's name: Michael Butterfield

_Kiet Tran_____ _22 July 2002_____
(Signature)   (Date)

Seventh Named Inventor:
Full Name of Inventor: Gail M. Breck
Citizenship: U.S.
Residence Address: 121 Old Nottingham Rd, Epping NH 03042
Post Office Address (if different from above):
Telephone extension and Building: 7-3721 35E
Manager's name: Michael Butterfield

_Gail M Breck_____ _22 July 2002_____
(Signature)   (Date)

Invention Title _____
File No. _____
Date _____

FOR INVENTOR'S MANAGER

Disclosure Read and Approved √ Disapproved _____ for Submission to IPRC:

Manager's Name: Paula Dunigan
Telephone extension and Building: 7-3741, 35E
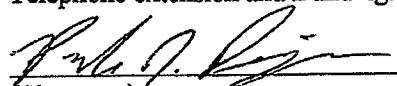
_____   7/23/02
(Signature)   (Date)

FOR RESPONSIBLE IPRC MEMBER

Disclosure Read and Approved _____ Disapproved _____ for Submission to IPRC:

Responsible Member's Name:
Telephone extension and Building:

_____   _____
(Signature)   (Date)